

FILED
JUN 23 2010
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR-10-00470-SBA (DMR)
Plaintiff,)	
v.)	DETENTION ORDER
LUCIO LERMA LOPEZ)	
Defendant.)	

I. DETENTION ORDER

Defendant Lucio Lerma Lopez is charged in an indictment with illegally re-entering the United States, in violation of 8 U.S.C. § 1326. On June 18, 2010, the United States moved for Mr. Lopez's detention pursuant to 18 U.S.C. § 3142(f)(2)(A) (because there is a serious risk that the defendant will flee), and asked for a detention hearing, as permitted by 18 U.S.C. § 3142(f). Mr. Lopez did not request a full bail study at this time. Pretrial Services did, however, prepare a criminal record report. At the June 23, 2010, hearing before this Court, Mr. Lopez waived his right for now to proffer information at a detention hearing, *see* 18 U.S.C. § 3142(f) (a defendant has the right at a section 3142(f) hearing, with the assistance of counsel, to testify, to present

witnesses, to cross-examine adverse witnesses, and to present information by proffer or otherwise), but he retained his right to raise any additional relevant information at a later hearing. The Court also notes that Mr. Lopez is subject to an immigration detainer issued by Immigration and Customs Enforcement ("ICE").

After considering the limited information available to the Court, and the factors set forth in 18 U.S.C. § 3142(g), the Court detains Mr. Lopez as a serious risk of flight and finds that no condition or combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure his appearance in this case. *See* 18 U.S.C. §§ 3142(e) and (f); *United States v. Motamedi*, 767 F.2d 1403, 1406 (9th Cir. 1985).

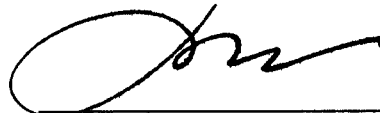
II. CONCLUSION

The Court detains Mr. Lopez as a serious flight risk. Because Mr. Lopez waived his right to present information under 18 U.S.C. § 3142(f) without prejudice to raising relevant information at a later hearing, the Court orders that the hearing may be reopened at Mr. Lopez's request at any future time.

Mr. Lopez shall remain committed to the custody of the Attorney General.

IT IS SO ORDERED.

DATED: June 23, 2010



DONNA M. RYU
United States Magistrate Judge